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ABSTRACT

This guide contains information pertaining to Georgia law, rules, regulations, and standards of practice for regulating proprietary schools in Georgia. Section 1 of the guide presents operation guidelines, including definitions, exemptions, general provisions, certificates of approval of schools, and appeals procedures. Section 2 presents minimum standards of operation for fourteen areas: personnel, admission requirements, conduct policy, tuition and fees, refund policy, program of instruction, business practices and advertising, minimum progress and attendance standards, equipment requirements, facilities and school-sponsored housing, financial resources, adequate space for instruction, records, and correspondence schools. (JH)

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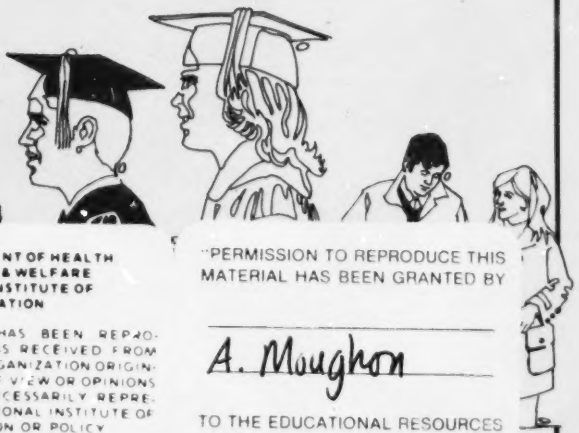
# Guidelines and Standards for Proprietary Schools



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## FOREWORD

The Georgia Proprietary School Act (Georgia School Laws, Chapter 32-23B) requires that the Georgia Board of Education administer the Act with the advice and recommendations of the Proprietary School Advisory Commission. The purpose of the Act is to establish, in a unified and organized form, regulatory laws relating to proprietary schools, as defined in the guidelines. Furthermore, the Act simplifies and clarifies the existing legal relationships of these institutions to provide protection for students, educational institutions and the general public.

The Act authorizes adoption by the Georgia Board of Education, with the advice of the Proprietary School Advisory Commission, regulations and standards for the administration and enforcement of the Act.

These standards permit the measure of an effective school program through use of criteria oriented toward the school's objectives and product goals. The standards also afford compatibility with those nationally recognized accrediting agencies as accepted and listed by the U. S. Office of Education.

It is intended that these regulations and minimum standards be used as a vehicle for improving the quality of proprietary school education by strengthening existing institutions and encouraging the development of worthy, new institutions.

Charles McDaniel
State Superintendent of Schools

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## Section I
## GUIDELINES FOR THE OPERATION OF PROPRIETARY SCHOOLS

***Introduction***

This guide contains information pertaining to the Law, rules, regulations and standards of practice for regulating Proprietary Schools in Georgia, as provided in Georgia Proprietary School Act, Title 32, Chapter 32-23B, Sections 32-2301b - 32-2323b, Georgia School Laws.

The guide has been adopted by the Georgia Board of Education in consultation with the Proprietary School Advisory Commission created by legislation enacted during or since the 1972 session of the Georgia General Assembly. The Georgia Board of Education will evaluate each school according to the standards of practice as set forth herein. Evaluations shall take into consideration the educational, promotional and ethical practices of the applicant school. The quality of educational programs offered by each school will be judged in terms of the announced policies as set forth in the bulletins, school literature and application for certificate of approval as compared with minimum standards.

Every effort will be made to evaluate fairly and impartially each school application for approval. The Georgia Department of Education will endeavor to provide an effective and constructive application of the Law and standards of practice adopted for regulating Proprietary Schools.

The Georgia Department of Education shall provide information to assist all schools and their directors in complying with the provisions of the Law and Standards of practice. Inquiries or requests for information should be directed to Office of Planning and Development, Georgia Department of Education, Atlanta, Georgia 30334. Telephone (404) 656-2538.

***Definitions***

**Administrator** means the State Superintendent of Schools who has been designated by the State Board of Education to administer the provisions of the Act and hereinafter is referred to as "Administrator."

**Date of Notice** means the date the notice is mailed by the Administrator.

**Notice to the School** means written correspondence sent to the address of record for legal service contained in the application for a certificate of approval.

**Owners** of a school means: in the case of a school owned by an individual, that individual; in the case of a school owned by a partnership, all full, silent and limited partners; in the case of a school owned by a corporation, the cor-

poration and each shareholder owning shares of issued and outstanding stock aggregating at least 10 percent of the total of the issued and outstanding shares.

**Person** means any individual, firm, partnership, association, corporation or other private entity.

**Proprietary School** (referred to as "school") means any business enterprise operated for a profit, or on a nonprofit basis, which maintains a place of business within the State of Georgia or solicits business within the State of Georgia and which is not specifically exempted by provisions of Section 4 of the Act and offers or maintains a course or courses of instruction or study and at which place of business such a course or courses of instruction is available through classroom instruction or by correspondence, or both, to a person or persons for the purpose of training, preparing or improving the person for a field of endeavor in a business, trade, technical or industrial occupation.

**Representative** means a person employed by the school (whether the school is located within or without the State of Georgia) to act as an agent, solicitor, broker or independent contractor to directly procure students or enrollees for the school by solicitation within or without this State.

**School Employee** means any person, other than an owner, who directly or indirectly receives compensation from the school for services rendered.

**Support or Supported** means the primary source and means by which a school derives revenue to perpetuate its operation.

**Commission** means the Proprietary School Advisory Commission.

**Course** means any course, plan or program of instruction, whether conducted in person, by mail or by any other method.

**Student** means any person who contracts to pay for and be the recipient of any course as defined above.

***Exemptions***

The following schools, educational institutions, training programs or courses of instruction are specifically exempt from the provisions of the Georgia Proprietary School Act regulating proprietary schools.

**Standard Exemptions**

1. A school or educational institution supported by State or local government taxation or by taxation from State and local government.

2. Private, nontax-supported kindergartens, elementary or high schools.

3. Nonprofit schools owned, controlled, operated and conducted by religious, denominational, eleemosynary or similar public institutions exempt from property taxation under the laws of this State. Such schools may, however, choose to apply for a Certificate of Approval. Upon approval and issuance, such schools shall be subject to the provisions of the Act as determined by the Administrator.

4. A school or training program which offers instruction on purely avocational or recreational subjects as determined by the Administrator.

5. A training program offered or sponsored by an employer for the training and preparation of its own employees and for which no tuition fee is charged to the student.

6. A course or courses of study or instruction sponsored by a recognized trade, business or professional organization for the instruction of the members of the organization with a closed membership and for which no tuition fee is charged to the student. The organization must provide acceptable documentation to the Administrator in support of its claim.

7. Private colleges and universities which award a baccalaureate (or higher) degree and which maintain and operate educational programs for which credits are given. A majority of said credits must be transferable to a college, junior college or university accredited by a nationally recognized accrediting agency accepted and approved by the Administrator.

8. Any organization which has done business nationally for 60 or more years and which also has done business in Georgia for 25 or more years.

9. Private colleges and universities located in foreign countries which award degrees and which maintain and operate educational programs—provided there shall be a blanket bond requirement in the penal sum of $50,000 to pay all damages or expenses which the state or any governmental subdivision thereof or any person may sustain in the event the courses, curriculum and instruction are not of such quality and content to reasonably and adequately meet the objectives of which the courses, curriculum or instruction are offered. Such institution shall file the bond with the Secretary of State and consent to service with respect thereto. A copy of the bond shall be filed with the Administrator.

10. Any flight school which holds an applicable current Federal Air Agency Certificate issued by the Federal Aviation Agency.

**Optional Exemptions**

Any school which is otherwise regulated and approved under and pursuant to any other law of this State, including schools under the Joint Secretary, State Examining Boards, shall be exempt from the provisions of the Act. However, such schools may choose to apply for a Certificate of Approval hereunder and, upon approval and issuance, shall be subject to the provisions of this Act as determined by the Administrator.

**Potential Exemptions**

A course or courses of special study or instruction financed in whole or in part by (a) local or State government, private industry or by any person, firm, association or other agency, other than the student involved, on a contract basis and having a closed enrollment shall be exempt from the provisions of the Act. However, a school financed in whole or in part by federal or special funds may apply to the Administrator for exemption of such course or courses from the provisions of the Law and may be declared exempt by the Administrator where he/she finds the operation of such school to be outside the purview of this Act.

***General Provisions***

No person shall operate a proprietary school (as defined in the Act), advertise, solicit for or conduct any course of instruction in Georgia without obtaining a Certificate of Approval from the Administrator.

Any proprietary business, technical, vocational or home study school not exempted by the Georgia Proprietary School Act and desiring to operate in the State of Georgia or do business in the State shall make written application to the Administrator for a Certificate of Approval. Schools desiring renewal of Certificate of Approval shall make application at least 30 days prior to the expiration date of the Certificate of Approval. A Certificate of Approval is nontransferable.

A person or persons purchasing a proprietary school operating as an approved school under this Act shall comply with all of the requirements for securing an original approval. Application for Certificate of Approval and other pertinent data shall be submitted within 10 days after the change in ownership.

Exempted schools may make application for a Certificate of Approval. Upon approval and issuance said schools shall be subject to the provisions and regulations applicable to nonexempt schools during the period of approval. Applications for Certificates of Approval shall be made on forms provided by the Administrator.

Any representative of a proprietary school who directly procures students or

enrollees for the school by solicitation within or without this State shall be authorized by his or her school director. The school director shall issue a pocket identification card to each representative and shall file a duplicate copy with the Administrator of the Proprietary School Act. The authorization shall be effective upon receipt of notice by the Administrator and shall remain in effect until expiration of the school's Certificate of Approval or until earlier cancellation by the school.

### *Certificates of Approval of Schools*

#### Requirements for Issuance

The Administrator may approve the applying school and issue a Certificate of Approval provided the applicant school is found upon investigation to have satisfactorily met the Minimum Standards for Proprietary Schools as set forth in this guide and also have provided assurance and evidence of meeting the following criteria.

1. The courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum or instruction are offered.

2. There is in the school adequate space, equipment, instructional material and personnel to provide training of good quality.

3. Educational and experience qualifications of directors, administrators and instructors are such as may reasonably insure that the students will receive training consistent with the objectives of their program of study.

4. The school maintains and utilizes a written record of the previous education and training of the applicant student and provides a shortened training period where warranted by the results of skills or achievement tests.

5. A copy of the schedule of tuition, fees, other charges and settlement policy is a part of the original student contract which must be signed by the student and the school director or his or her designee.

6. A copy of the course outline, regulations pertaining to absence, grading policy and rules of operation and conduct are furnished the student before or upon entry into classes.

7. Upon completion of training, the student is given a certificate or diploma by the school indicating satisfactory completion of training in the approved course.

8. Adequate records are kept to show attendance and progress or grades,

and satisfactory standards relating to attendance, progress and conduct are enforced.

9. The school complies with all local, city, county, municipal, State and Federal regulations, such as fire, building and sanitation codes and furnishes such proof as the Administrator may require.

10. The school is financially sound and capable of fulfilling its commitments for training.

11. The school does not utilize erroneous or misleading advertising, either by actual statement, omission or intimation and is not in violation of minimum standards of advertising.

12. The school's administrator, directors, owners and instructors are of good reputation and character as determined by evidence submitted.

13. The school has, maintains and publishes in its enrollment contract a reasonable and proper policy for the refund of the unused portion of tuition, fees and other charges in the event the student enrolled by the school fails to begin the course or withdraws or is discontinued therefrom at any time prior to completion. The policy shall take into account those costs to the school that are not diminished by the failure of the student to enter or complete the course of instruction.

**Application Procedures**

**Proprietary Schools** (as defined in Georgia Proprietary School Act, Title 32, Chapter 32-23B, Sections 32-2301b - 32-2323b, Georgia Code) making application for a Certificate of Approval will complete application forms available from the Administrator and submit a

1. Certificate of Approval bond (in the penal sum of $10,000).
2. Check or money order, which is nonrefundable, made payable to the State of Georgia, Department of Education, for the statutory fee of $100, for initial application.
3. Check or money order, which is nonrefundable, made payable to the State of Georgia, Department of Education, for the statutory fee of $50, for renewal applications.

**Notification of Issuance or Denial**

The Administrator, upon review and consideration of an application for a Certificate of Approval from each school, shall determine the application to be acceptable or unacceptable. The review and consideration shall include an on-site evaluation when deemed necessary by the Administrator. However, an on-site evaluation shall be conducted for each applicant school not less than once in every five-year period beginning on the date of the application

for approval. The composition of evaluation teams and procedures of evaluation shall be determined by the standards of practice adopted by the Georgia Board of Education. The Administrator shall be authorized to visit applicant schools as necessary for matters of administration or inquiry. The Administrator shall determine applicant schools accredited by a regional or national accrediting agency (as included in the most recent listing by the United States Office of Education of approved nationally recognized accrediting agencies) to be acceptable. However, the Administrator for cause may revoke or deny renewal of a certificate of approval for such schools. The Administrator shall set forth in writing the approval or the reasons for denial of approval. Upon receipt of notice from the Administrator that its application is unacceptable, a school may take immediate steps to correct the discrepancies.

Such schools shall be granted a specified period of time in which to bring its operations into compliance. Should such school fail to comply within the period of time granted by the Administrator, its operations shall thereafter be suspended. Such operations shall not be resumed until a Certificate of Approval is granted.

**Renewals**

The Administrator shall furnish renewal application forms to approved schools at least 30 days prior to the expiration date of the Certificate of Approval. Schools making application for renewal of Certificate of Approval shall submit the following.

1. Completed annual application form including documentation of all changes in personnel, curriculum, fees, etc. and a current financial statement signed by the school director or his or her designee.
2. Evidence of continued bonding.
3. A check or money order, which is nonrefundable, in the amount of $50 made payable to the State of Georgia, Department of Education.

**Additional Courses**

The holder of a Certificate of Approval may present an application for approval of additional courses to the Administrator. These applications shall be submitted for approval at least 30 days prior to the effective implementation date.

**Application Procedures for Additional Courses**

Schools making application for approval of additional courses after the original approval has been granted shall submit the following.

1. Application for approval of additional courses under the Georgia Proprietary School Act.
2. Required attachments.

**Revocation**

The Administrator may revoke an issued Certificate of Approval or place reasonable conditions upon the continued approval represented by the certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the Administrator shall notify the holder of the certificate in writing of the impending action and set forth the grounds for the action to be taken and affording a day and date at least 30 days hence on which the holder of the certificate may be heard in response to the allegation of noncompliance with the provisions of the Act.

A Certificate of Approval may be revoked or made conditional if the Administrator has reasonable cause to believe that the school is guilty of a violation of the Act or of any rules or standards promulgated thereunder.

The Administrator shall render a determination in writing to the school regarding the denial or imposition of conditions of a Certificate of Approval within 30 days from the date of the appearance and response by the holder of the certificate.

***Appeals Procedures***

Should the applicant be dissatisfied by a decision respecting denial of a Certificate of Approval, he or she shall have the right to appeal such decision in accordance with and pursuant to the following provisions.

1. Upon written notification of proposed action by the Administrator, the school shall notify the Administrator in writing within 15 days after receipt of the official notice of the desire to be heard and shall be given a hearing.

2. Within 21 days after request for a hearing the Administrator shall fix a time and place for said hearing, which shall be held before the proposed action becomes effective. The initial hearing shall be conducted by Georgia Department of Education personnel as designated by the State School Superintendent. If the applicant is still aggrieved at the conclusion of this hearing, the matter will be referred to and placed on the agenda of the State Board of Education for final hearing.

3. At such hearing the school may employ counsel, if desired, and shall have the right to hear the evidence upon which the charges are made, to cross-examine all adverse witnesses and to present evidence in opposition or in extenuation.

4. If a school, upon notification of the proposed action, fails to request a hearing within 15 days thereafter, or after a hearing has been provided, the Administrator's determination shall be entered as an order and shall stand as final and definitive.

5. If the Georgia Board of Education as Administrator denies or revokes a certificate, the school shall have the right to appeal such action to the State courts.

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## Section II
## MINIMUM STANDARDS FOR OPERATION OF PROPRIETARY SCHOOLS

***Introduction***

Minimum standards of operation must be maintained by all schools to insure educational programs of high quality which will be of benefit to the student, the school and the State. The observance and maintenance of these standards are the responsibility of each school for inherent advantage to the school itself and for the common good of all schools.

Schools desiring issuance, continuance or renewal of certificates of approval shall adhere to the standards enumerated herewith. The enumerated standards should be used by the school as a self-evaluation inventory. A space has been provided in the left hand margin for the appropriate school official to record a yes, no or N/A (not applicable) answer. If the question is pertinent to the operation of the particular school responding, the preferred answer is "yes," if it is not pertinent, the answer should be "N/A." Any standard answered in the negative must be accompanied by a plan of improvement for eliminating the deficiency.

The recorded responses will later be transferred to a single sheet summary of self-evaluation inventory form. This form must be supplied to the Administrator of the proprietary school program and must contain a certification from the school director that the information is true and accurate.

***Area I: Personnel***

*(NOTE: Complete the Personnel Data Inventory for Sections A and B and submit as Exhibit A.)*

**A. Director and Administrative Staff Members**

1. The school has designated one person as the director of the school who is responsible for the administration of the school.

2. The director and staff members are either graduates of an institution of higher learning (college or university) or have sufficient background and training in the area for which they are responsible.

3. The director and staff members are persons of good reputation and character.

**B. Instructors**

*Instructors have general qualifications as follows:*

4. Each instructor has a background of education, training, and/or occupational experience in the specific area of teaching to show adequate competency to provide instruction which will assist students in successful achievement of the training goals or objectives of the course or program. (Initial employment of instructors is based on educational background or occupational experience which is sufficiently recent to assure that they have timely and up-to-date knowledge in their teaching fields.)

5. The instructional staff keeps abreast of new developments in applicable fields and in teaching methods related to these fields. (Evidence of such staff development is furnished in annual reports to the Administrator.)

6. Each instructor is a person of good reputation and character.

7. A personnel file is maintained for each employee.

*Instructors have specific qualifications as follows.*

8. Each instructor employed in a *secretarial, accounting, office training* or *modeling and finishing* program is a graduate of an accredited college or university or a proprietary school certified by the Board with a major in the subjects which the applicant teaches. (In lieu of the above requirements, instructors may have 24 months of actual occupational experience in the trade or occupation in which they teach, or 24 months of successful teaching experience in the trade or occupation.)

9. Each instructor employed in a program such as *radio-tv repair, drafting, auto mechanics, welding, commercial art and design, air conditioning and refrigeration, machinist, appliance or machine repair* or *building trades* has a high school diploma or a high school equivalency certificate. In addition he or she has a minimum of two years of experience as a worker in the field in which he or she teaches or is a graduate of a post secondary technical school with a minimum of two years of working experience in the trade taught. (In lieu of the above requirements, he or she may possess a comparable combination of education and experience as acceptable to the Administrator.)

10. Each instructor employed in a program such as *electronic technology, data processing* and *computer programming* requiring a high degree of technical information, knowledge and skills, has at least two years of post secondary education and training in the technical, scientific or mathematical field, preferably with a degree from an accredited college or university. (In lieu of the above requirements, he or she may possess at least two

years of occupational experience with one year of recent employment experience in the technical field taught, or a combination of education and experience acceptable to the Administrator.)

11. Each instructor employed either in *language, art* or *music* programs requiring academic and professional training has a degree from an accredited college or university with appropriate area of study. (In lieu of these requirements, he or she may have two years of post secondary education and two years experience in the appropriate area of study or a comparable combination of education and experience acceptable to the Administrator.)

12. Each instructor employed in a *religious* or *theological* education program has a degree from a recognized institution in the appropriate field of theology or a degree in theology from a recognized theological seminary.

13. Each instructor employed in a program such as *medical assisting, dental assisting, medical technician, x-ray technician* and *practical nursing* programs has professional qualifications in the area to be taught with at least two years recent occupational experience or a comparable amount of education and experience acceptable to the Administrator.

***Area II: Admission Requirements***

14. The school has adopted and abides by entrance requirements for each course which have been revised and approved by the Administrator. (NOTE: Complete the List of Documents Section of Summary of Self-evaluation Inventory and submit a copy of the document as Exhibit C.)

15. The school maintains a written record of the previous education and training of the applicant student.

16. The training period is shortened where warranted, as determined objectively, through use of appropriate skills or achievement tests or credit for previous training and the student is notified.

17. A copy of the (a) course outline, (b) regulations pertaining to absence, (c) grading policy, (d) rules of operation and (e) conduct is furnished each student before or upon entry into classes. This may be either in brochure format or in a packet of printed materials. (NOTE: Complete List of Documents Section on Summary of Self-evaluation Inventory and submit a copy of the information furnished each student as Exhibit C.)

18. Tuition, fees, other charges and the school refund policy constitute a part of the original student contract which must be signed by the student and the school representative. (NOTE: Complete List of Documents Section on Summary of Self-evaluation Inventory and submit a copy of student contract as Exhibit D.)

19. The school provides a special developmental program for any students it accepts and enrolls who do not meet the normal basic qualifications for acceptance.

20. The school is prepared to justify to the Administrator its actions in accepting the enrollment of unqualified applicants.

***Area III: Conduct Policy***

21. The school has adopted and published rules and regulations pertaining to conduct and has furnished to prospective students copies for inspection prior to their signing a contract.

22. A statement regarding conditions for dismissal of students has been adopted by the school and is furnished to prospective students prior to their signing a contract.

23. A statement regarding conditions for re-entrance of those students violating the conduct policy has been adopted by the school and furnished to prospective students prior to their signing a contract.

***Area IV: Tuition and Fees***

24. All tuition, fees and other charges are stated in the school catalog or brochures and the enrollment contract.

***Area V: Refund Policy (Not applicable to dormitory fees)***

25. The school maintains and abides by a policy for the refund of the unused portion of tuition, fees and other charges in the event the student fails to enter the course, or withdraws, or is discontinued therefrom, at any time prior to completion of the course. When the cancellation provisions have been complied with, the school will issue the appropriate refund in full to the contracting party within a maximum of 30 days from final cancellation (N/A for correspondence schools). (NOTE: Provisions of the minimum refund policy are enumerated in Criteria 25-34).

26. An *applicant* may cancel his or her enrollment at any time before the commencement of classes. An applicant not request-

ing cancellation by the scheduled starting date will be considered a student.

27. All monies paid by an applicant are refunded if requested within three days after signing an enrollment agreement and making an initial payment.

28. An applicant requesting cancellation after more than 10 days since signing the contract is entitled to a refund of all monies paid minus a registration fee of 15 percent of the contract price of the course up to a maximum of $100.

29. A *student* termination is considered to have occurred not later than seven calendar days after the last date of actual attendance at the school unless earlier written notice of termination is received by the school, in which case, termination is the date of receipt of written notice.

30. For a student terminating training within the first week of the course, the tuition charges made by the school to the student do not exceed 10 percent of the contract price of the course plus $100, up to a maximum of $300.

31. For a student terminating training after one week but within the first 25 percent of the course, the tuition charges made by the school to the student do not exceed 25 percent of the contract price of the course plus $100.

32. For a student terminating training after completing over 25 percent but within 50 percent of the course, the tuition charges made by the school to the student do not exceed 50 percent of the contract price of the course plus $100.

33. After completing one half or more of the course, the student is obligated for the full amount of the contract price.

34. In the case of student injury or prolonged illness or death in the family, or other circumstances that make it impractical to complete the course, the school makes a settlement which is reasonable and fair to the student and the school.

***Area VI: Program of Instruction***

35. The courses, course content, length of instruction and instructional methods are of such nature and quality as to reasonably insure that the students will adequately develop the job skills, knowledge of occupational information and applicable safety practices necessary for obtaining employment in the occupa-

tion for which the instruction is offered. (NOTE: Complete Program of Instruction Outline and submit as Exhibit E.)

36. The school bulletins, catalogs or other promotional materials contain clear and simply stated educational goals for the institution and the stated objectives for which the courses, curriculum and instruction are offered. (Bulletins and other promotional literature list only those courses which have been submitted to the Administrator and approved with the application for approval.) (NOTE: Complete the List of Documents Section on Summary of Self-evaluation Inventory and submit this document as Exhibit F if the document has not been included previously.

37. The school offers and schedules courses or classes so that students are able to complete the total program or courses during the length of time and under enrollment conditions stipulated in the school bulletin or promotional literature.

38. When a course is discontinued for any reason, the Administrator is notified and the course removed from the list of approved courses.

39. Upon successful completion of training, the student is given a certificate or diploma by the school indicating that the course and/or training was satisfactorily completed. (NOTE: Submit a specimen certificate or diploma as Exhibit G.)

***Area VII: Business Practices and Advertising***

**A. Advertising and Promotional Literature**

40. The school and all its employees refrain from using unethical, deceptive or derogatory practices in recruiting students or in any reference to competitors.

41. Each advertisement or piece of promotional literature written or used by a school is completely truthful and refrains from giving any false, misleading or exaggerated impression with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates.

42. All advertising and promotional literature includes the full and correct name and location of the school.

43. The school is prepared to verify from its records everything used in its advertising or promotional literature.

44. The school's address appears in the school's catalogs and enrollment contracts. (For this purpose, a post office box number will not be considered an address.)

45. All advertising and promotional literature used by the school clearly indicates that training or education, and not employment, is being offered.

46. Letters of endorsement, commendation or recommendation are used in school catalogs, advertisements and promotional literature only when prior consent is obtained. (No remuneration is made for either the consent or use of the endorsement. Such letters shall be kept on file and available for inspection. Testimonial letters may be used only when they portray currently correct conditions or facts.)

47. In obtaining students, the school refrains from using advertisements or promotional material which are classified, designated or captioned, "men wanted to train for . . . ," "help wanted," "employment," "business opportunities" or words or terms of similar import which represent directly or by implication that employment is being offered.

48. "Help wanted," "employment" or "business opportunities" classifications are used only to advertise for employees or representatives for the school.

49. When using classified columns of newspapers or other publications to acquire students, the school uses only those headed "education," "schools" or "institution."

50. The school uses the word "Guarantee" for advertising or promotional purposes only when full explanation of the term is given.

51. The school refrains from using the word "Free" to describe any item or service regularly included as a part of the school's courses or services.

52. In reference to the availability of FISL financing in media advertising and promotion, the only authorized reference is "Eligible Institution under Federally Insured Student Loan Program."

53. Advertisements may not be used to sell loans; for example, "Learn now, Pay later," "Government Loans Available."

54. If the school conducts its instruction wholly by correspondence

or home study, a clear and conspicuous disclosure is made in immediate conjunction with its trade or business name that it is a correspondence or home study school.

55. If the school offers both resident and correspondence or home study instruction, it clearly and conspicuously identifies in all advertisements and promotional materials, except in those pertaining solely to its resident program, the program or courses offered in whole or in part by correspondence or home study.

**B. Representation of Extent or Nature of Accreditation or Approval**

56. The school refrains from misrepresenting the extent or nature of any approval its school may have received from a State agency or the extent or nature of its accreditation by a nationally recognized accrediting agency or association.

57. If an accredited school offers courses or programs of instruction which have not been accredited, all advertisements or promotional materials pertaining to such courses or programs contain a clear and conspicuous disclosure that they are not accredited when any reference is made in the advertisements or promotional materials to the accreditation of the school.

58. The school refrains from representing that students successfully completing a course or program of instruction may transfer credit therefore to an accredited institution of higher education, unless such is the fact.

59. The school does not represent that a course of instruction has been approved by a particular industry or labor union or similar organization, or for the receipt of a State or Federal license to perform certain functions, unless such is the fact.

60. The school refrains from representing that its courses are recommended by vocational counselors, high schools, colleges, educational organizations, employment agencies or members or officials of a particular industry, or that it has been the subject of unsolicited testimonials or endorsements from former students or anyone else, unless such is the fact.

61. The school refrains from using testimonials or endorsements which do not accurately reflect current practices of the school, or current conditions or employment opportunities in the industry or occupation to which the training pertains.

**C. Representation of Facilities, Services, Qualifications of Instructors and Status**

62. The school refrains from misrepresenting directly or indirectly in its advertising, promotional materials or in any manner the size, location, facilities or equipment of its school, or the number and educational qualifications of its faculty and other personnel.

63. The school does not represent that the school owns, operates or supervises a dormitory, eating establishment or other living accommodations, unless such is the fact.

64. The school does not falsely or deceptively represent the location or locations at which its courses will be conducted.

65. The school refrains from falsely representing that it will provide or arrange for part or full-time employment while the student is undergoing instruction or misrepresenting in any manner the availability of such employment or any other form of financial assistance.

66. The school refrains from false representation of the extent or nature of the association of any person with the school or the courses offered.

67. The school refrains from misrepresenting the nature and extent of any personal instruction, guidance, assistance or other attention it will provide for its students either during a course or after completion of a course.

68. The school refrains from falsely or deceptively representing that a course has been recently revised, that it has a revision system or service or misrepresenting in any manner its facilities, procedures or ability to keep a course current.

**D. Representation of Enrollment Qualifications or Limitations**

69. The school refrains from misrepresenting the nature or extent of any prerequisites it has established for enrollment in a course or program of instruction.

70. The school refrains from falsely representing that it will accept for enrollment only a limited number of persons or a limited number of persons from a geographical area.

71. The school refrains from falsely representing that applications for enrollment will be considered for only a limited period of

time, or that they must be submitted by a certain date.

72. The school establishes the qualifications which an applicant should have to assimilate successfully the subject matter of the course and accepts only those applicants who are so qualified.

**E. Use of Diplomas, Degrees or Certificates**

73. The school refrains from issuing a degree, diploma, certificate of completion or any document of similar import which misrepresents the subject matter, substance or content of the course of study or any other material fact concerning the course for which it was awarded or the accomplishments of the student to whom it was awarded.

74. The school refrains from conferring an academic, professional or occupational degree, if the award of such degree has not been authorized by the appropriate State educational agency.

**F. Sales Practices**

75. The school refrains from deceptively referring to its sales representatives as "registrars," "counselors," "advisors," or by words of similar import, the titles, qualifications, training, experience or status of its salespersons, agents, employees or other representatives.

76. In obtaining leads to prospective students, the school refrains from representing that it is conducting a talent hunt, contest or similar test, unless such is the fact, and a clear and conspicuous disclosure of the school's name and address and the fact that it is a school are given, if such is not apparent from its name.

**G. Pricing and Use of the Word "Free"**

77. The school refrains from representing in advertising or otherwise that a course or courses may be taken for a specific price, at a saving or at a reduced price when such is not the fact. Reduced prices can only be used on an objectively determined basis and must be the same for all students.

78. The school refrains from deceiving students or prospective students with respect to the cost of a course or any equipment, books or supplies associated therewith.

79. The school refrains from misrepresenting the total cost of the course to a prospective student or falsely representing that it

offers scholarships which pay for all or part of the course.

**H. Collection and Credit Practices**

80. The school refrains from using any deceptive representations or deceptive means to collect or attempt to collect tuition or other charges from its students.

81. The school refrains from seeking to obtain a judgment or otherwise attempting to collect on any contract or other instrument between itself and a student, or transferring or assigning such contract or other instrument to a third party for the purpose of collection or of enforcing or obtaining a judgment on said contract or instrument, if the school or its employees or representatives misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

**I. Affirmative Disclosures Prior to Enrollment**

82. The school's policy and regulations relative to make-up work, delay or delinquency in meeting course requirements and standards required of the student for achieving satisfactory progress, including class attendance if applicable, is furnished to the student or his or her parent or guardian prior to being asked to sign the contract of sale or enrollment.

83. The school provides the prospective student, prior to enrollment, information relative to the cost of supplies, materials or supplementary services which it recommends, suggests or requires where the cost thereof is not included in the contract price.

84. In the case of courses to be taught in residence, a description of the school's physical facilities, equipment used in teaching the class and the usual class size is provided each prospective student. (NOTE: Complete the List of Documents Section on Summary of Self-evaluation Inventory and submit as Exhibit I.)

85. If the school represents that it offers a placement service to its graduates or secures or assists them in finding employment, a detailed and explicit description of the extent and nature of this service or assistance, including a disclaimer of guaranteed employment, is furnished to each prospective student. (NOTE: Complete List of Documents Section on Summary of Self-evaluation Inventory and submit document as Exhibit J.)

86. All material facts concerning the school and the program of instruction or course which are reasonably likely to affect the decision of the student to enroll therein is furnished to each prospective student.

***Area VIII: Minimum Progress and Attendance Standards***

**A. Progress**

87. A system of evaluation is implemented and maintained on a current basis to ascertain the progress of the students enrolled.

88. The progress evaluation records are of a type and nature which permits a determination of whether the student is making satisfactory progress in order to complete all subject matter within the time provided for in the course curriculum.

89. The progress evaluation system stipulates what is considered as failing or unsatisfactory progress. Policies pertaining to probation are delineated in the school promotional literature.

**B. Attendance**

90. Attendance policies are reflected in the academic bulletin or other printed material made available to the student upon entry into class.

**C. Permanent Records**

91. Permanent records are maintained by the school to provide complete and useful information for each student including courses taken, credit and/or grades received, dates of attendance, certificates, diplomas or degrees earned and other pertinent information. Such records shall be surrendered to the State of Georgia, Department of Archives and History in the event the school ceases operation.

***Area IX: Equipment Requirements***

92. The school refrains from entering into a contract for housing with any student unless it actively administers and supervises school-sponsored housing. (Contracts in violation of this standard are unenforceable.)

93. The equipment required for instruction is determined by the occupational objective and is comparable to that found in business establishments offering employment in the occupation for which the instruction is being offered.

94. The school provides adequate equipment which is in good working order and is equipped with proper safety devices.

95. The school equipment is of sufficient quality and quantity to meet the maximum authorized enrollment of the class.

***Area X: Facilities and School-Sponsored Housing***

96. All facilities used or sponsored by the school comply with all local, city, county, municipal, State and Federal regulations such as fire, building and sanitation codes.

97. The school certifies on the application for approval form that all school facilities and school-sponsored housing meet all applicable codes mentioned in 94 above. (NOTE: Schools are encouraged to render facilities accessible to and usable by the physically handicapped as required for public buildings in Georgia Code, Chapter 91, Section 91-1104 through 91-1126.)

***Area XI: Financial Resources***

98. The school and its principal owner(s) demonstrate sufficient financial stability to establish and carry out a satisfactory program of education on a continuing basis. Evidence shall be furnished by filing with the application for Certificate of Approval or Renewal of Certificate of Approval or upon request of the Administrator a statement of financial position (Balance Sheet), and a statement of results of operation (Statement of Income and Retained Earnings). (NOTE: Submit a Statement of Financial Resources as Exhibit K.)

***Area XII: Adequate Space for Instruction***

99. The school provides space adequate for classroom instruction and laboratory experiences and the housing of instructional materials, equipment and instructional personnel. (Adequacy of space is determined by that area needed to fulfill the goals of the courses and programs of the school.)

***Area XIII: Records***

100. The school agrees to make available for inspection by the Administrator all records and other necessary data required for approval under the Georgia Proprietary School Act.

***Area XIV: Correspondence Schools***

Definition: A correspondence school is an educational institution that

formally enrolls qualified students and teaches them through the exchange of specially prepared course materials, examinations and assignments. Correspondence schools are subject to applicable standards as contained in this guide. (NOTE: If the school does not meet this definition, criteria 99-108 should be answered "N/A.")

101. The school has adopted policies pertaining to progress evaluation system and refund policy. (NOTE: Complete the List of Documents Section on Summary of Self-evaluation Inventory and submit policy relating to measures 99-108 as Exhibit L.)

102. The school maintains a progress evaluation system. This includes the date course materials mailed to student, date lesson assignment received from student, the grade on a lesson basis and the number of lessons in each course. (NOTE: Complete List of Documents Section on Summary of Self-evaluation Inventory and submit document as Exhibit M, if it has not been included previously.)

103. An applicant student requesting cancellation of the agreement in whatever manner within 72 hours after midnight of the day on which the enrollment agreement was signed is given a refund of all money paid to the school or its representatives.

104. From 72 hours after midnight of the day on which the enrollment agreement is signed and until the time the school receives the first lesson from the student, upon cancellation, the school is entitled to a registration fee of not more than 10 percent of the tuition or $50.00, whichever is less. (NOTE: During the first six months following the date of the student's enrollment, if no lesson or written request for continuation is received by the school for a period of 90 days, the school may cancel contract and the school shall be entitled to a tuition charge which does not exceed the following.

    105. During the first quarter of the course, the school may retain the registration fee plus 25 percent of the tuition.

    106. During the second quarter of the course, the school may retain the registration fee plus 50 percent of the tuition.

    107. If the student completes more than half of the total course, the school is entitled to the full tuition.

108. The amount of the course completed is represented by the lessons received for service by the school as compared to the total lessons in the course.

109. Upon cancellation, all money due the student is refunded within 30 days.

110. In the case of student illness, injury, death in the family or other circumstances beyond the control of the student, the student is entitled to special consideration and the school makes a settlement which is reasonable and fair.

*Federal law prohibits discrimination on the basis of race, color or national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments of 1972); or handicap (Section 504 of the Rehabilitation Act of 1973), in educational programs or activities receiving federal financial assistance.*

*Employees, students and the general public are hereby notified that the Georgia Department of Education does not discriminate in any educational programs or activities or in employment policies.*

*The following individuals have been designated as the employees responsible for coordinating the department's effort to implement this nondiscriminatory policy.*

*Title VI — Peyton Williams Jr., Associate Superintendent of State Schools and Special Services*
*Title IX — Evelyn Rowe, Coordinator*
*Section 504 — Jane Lee, Coordinator of Special Education*
*Vocational Equity — Loydia Webber, Coordinator*

*Inquiries concerning the application of Title VI, Title IX or Section 504 to the policies and practices of the department may be addressed to the persons listed above at the Georgia Department of Education, 231 State Office Building, Atlanta 30334; to the Regional Office for Civil Rights, Atlanta 30323 or to the Director, Office for Civil Rights, Department of Health, Education and Welfare, Washington, DC 20201.*

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